

REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. Applicant has added Claims 58-69. Applicant has not cancelled or amended any claims, therefore Claims 1-8, 10, 12, 23-30, 32 and 34-69 remain pending in the application. This application has been carefully reviewed in light of the Official Action mailed March 9, 2004. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Objections

The numbering of the claims is not in accordance with 37 C.F.R. 1.126. Applicant apologizes for the misnumbered newly added claims, and thanks the Examiner for renumbering misnumbered Claims 52-55 to Claims 54-57.

Rejections under 35 U.S.C. § 102

Claims 1, 10, 23 and 32 stand rejected as anticipated by U.S. Patent No. 6,119,130 ("Nguyen"). Applicant respectfully traverses this rejection.

In order for a claim to be anticipated, a prior art reference must disclose "each and every element as set forth in the claim." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 122, 1239 (Fed. Cir. 1989). Moreover, "the elements must be arranged as required by the claim." *In re Bond*, 910 F.2d 831 (Fed. Cir. 1990). Applicants respectfully point out that Nguyen does not anticipate the present invention as it does not disclose every element of Claims 1, 10, 23 and 32.

Claims 1 and 23 recite a method and computer program product for synchronizing a database with a software application by obtaining a table schema employed by a version of a software application which utilizes the database, and synchronizing the database to conform with the table schema employed by the version of the software application. Consequently, Claims 1 and 23 synchronize the database with the software application by obtaining a description of the table structure ("schema") which is utilized by the software application to store data and creating tables within the database that are in accordance with the description of the table schema utilized with by the software application. This method allows the automatic update of a table employed by the database, or the creation of a new table in the database from scratch.

In contrast, Nguyen discloses a method for supplying data to an application in a format that the application expects. This is accomplished by converting requested data of the same data type from one version of that data type to another version of that data type when the format expected by the requesting application (the "target format") does not match the format in which the data was originally stored by an application (the "stored format"). To accomplish this conversion, the structure ("schema version") of the target format and stored format must be determined. Thus, in Nguyen, a "schema" refers to versions of a particular data type, while a particular version of a data type is referred to as a "schema version." (Col. 1, Lines 25-30). When the two schema versions of a data type do not match, the data is converted from the stored format to the target format, without any involvement of either the application which requested the data, or the database in which the data is stored.

Therefore, because Nguyen obtains a schema version which represents a version of a data type, not how that version of the data type is represented in the tables of the database which stores the data utilized by the software application Nguyen does not obtain a table schema employed by a version of the software application as recited by Claims 1 and 23 and asserted by the Examiner.

Additionally, Nguyen does not synchronize the database to conform with the table schema employed by the version of the software application, as recited by Claims 1 and 23 and asserted by the Examiner. Instead, Nguyen converts the already stored data to a format which may be utilized by the requesting application, leaving the database, and the table schema employed by the database, unaltered. In fact, nowhere does Nguyen mention modifying a database, Nguyen only discloses modifying the format of a particular instance of data. Applicant respectfully submits, therefore, that Claims 1 and 23 are patentably distinct from the Nguyen reference.

Furthermore, with respect to Claims 10 and 32, upon review of the portions of Nguyen cited by the Examiner, Applicant cannot find where Nguyen discloses creating schema data in the database according to the schema employed by the version of the software application. The portions of Nguyen cited by the Examiner disclose searching for a first schema version record, comparing version identifiers, and reading data that describes a format based upon a comparison of version identifiers. Nowhere does Nguyen disclose creating schema data in the database, as recited in Claims 10 and 32. Thus, Claims 10 and 32 are further patentably distinguishable from Nguyen. Consequently, Applicant requests the withdrawal of the rejection of independent Claims 1 and 23 and their respective dependent Claims 10 and 32.

Rejections under 35 U.S.C. § 103

Claims 2-8, 12, 24-30 and 34-57 stand rejected as obvious over U.S. Patent No. 6,119,130 ("Nguyen") in view of U.S. Patent No. 6,453,310 ("Zander").

In order to establish a prima facie case of obviousness, the Examiner must show: that the prior art references teach or suggest all of the claim limitations; that there is some suggestion or motivation in the references (or within the knowledge of one of ordinary skill in the art) to modify or combine the references; and that there is a reasonable expectation of success. M.P.E.P. 2142, 2143; In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). The Examiner must explain with reasonable specificity at least one rejection – otherwise, the Examiner has failed procedurally to establish a prima facie case of obviousness. M.P.E.P. 2142; Ex parte Blanc, 13 U.S.P.Q.2d 1383 (Bd. Pat Application. & Inter. 1989).

The Applicant respectfully points out that the Examiner has failed to establish a prima facie case of obviousness as the Examiner has failed to show that the references contain each of the claim limitations. The Examiner relies on Nguyen to provide the limitations of obtaining a table schema employed by a database which utilizes the database and synchronizing the database to conform with the table schema employed by the version of the software application" as recited in independent Claims 1, 12 and 23, and therefore contained in dependent Claims 2-8, 10, 24-32, 34-57 as well. As pointed out above, nowhere does the Nguyen reference teach these limitations.

Additionally, with respect to Claims 3, 25, and 37, these claims recite that the configuration file is provided in a markup language. The Examiner states that Zander discloses this limitation. However, upon review of the sections cited by the Examiner, Applicant nowhere finds that the configuration file is provided in a markup language. Zander states that the XML standard, an extension of HTML, can include how the various components are organized. This description, however, refers to multiple independent components and does not describe an organization of a data file suitable for a database. (Col. 1, Line 52-59) Therefore, not only does Zander not describe utilizing a markup language for a configuration file, Zander expressly teaches against the use a markup language for this purpose.

With respect to claims 5 and 27, upon review of the portions of Nguyen cited by the Examiner, Applicant cannot find where Nguyen discloses determining that the table schema employed by the version of the software application conflicts with the database. The portions of

Nguyen cited by the Examiner disclose comparing the versions of the data type expected by two components of the same application. Thus, Nguyen determines a conflict between the data formats expected by the same application, not determining the conflict between a table schema employed by a software application and the database.

With respect to claim 12, nowhere can Applicant find a script maker operable to synchronize the database to conform with the table schema employed by a version of the software application, as recited in claim 12.

Therefore, for all the reasons laid out above, Applicant requests the withdrawal of the rejections of Claims 2-8, 12, 24-30 and 34-57.

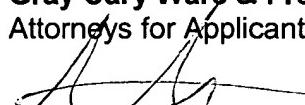
CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-8, 10, 12, 23-30, 32 and 34-69. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

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